

IN THE UNITED STATES DISTRICT COURT **FILED**
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO ALBUQUERQUE, NEW MEXICO

JAN 16 2001

JESSE MOLINA, as Personal Representative
of FRANKIE SIERRA, deceased, and on
behalf of the Estate of FRANKIE SIERRA,
and REBECCA MOLINA as Mother and
Next Friend of RAMON SIERRA, a minor,

R. S. Mancha
CLERK

Plaintiffs,

vs.

No. CIV 98-1108 LH/JHG

THE TOWN OF SILVER CITY, NEW MEXICO,
THE SILVER CITY POLICE DEPARTMENT,
OFFICER PAUL WESSON, in his official
and individual capacity, OFFICER
PAUL MONTES, in his official and
individual capacity, OFFICER SAM
RODRIGUEZ, in his official and
individual capacity, Emergency Response
Worker, PAUL LUCERO in his individual and
official capacity, Emergency Response
Worker DAVID MANCHA, in his individual
and official capacity, Emergency
Response Worker DAVID PAUL, in his
individual and official capacity,
Emergency Response Worker DAN OTERO,
in his individual and official
capacity, Emergency Response Worker
FRED SELDERS in his individual and
official capacity, Firefighter RAY
MUNIZ, in his individual and official
capacity, Firefighter ELOY MEDINA in
his individual and official capacity
and Firefighter PETE SANCHEZ in his
individual and official capacity,

Defendants.

ORDER APPROVING THE SETTLEMENT OF
A WRONGFUL DEATH CLAIM

This matter having come before the Court for hearing on the
Petition for Approval of the Settlement of a Wrongful Death claim,
and the Court having determined that:

1. The petitioner, Jesse Molina, is the duly-appointed
Personal Representative of the Estate of Frankie Sierra, Deceased;

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the Petitioner Rebecca Molina is the natural mother and guardian of Ramon Sierra, a minor; and Ramon Sierra, a minor, is the sole statutory beneficiary of the Estate of Frankie Sierra, Deceased.

2. The interests of the minor statutory beneficiary, Ramon Sierra have been taken into account in the settlement of this Wrongful Death claim;

3. The terms of the settlement are fair and reasonable and in the best interests of the petitioners and the minor statutory beneficiary;

4. The Plaintiffs have been represented by counsel at all material times in the negotiations which led to the settlement of this Wrongful Death claim; and

5. The Petitioner, Jesse Molina, as the person authorized by law to enter into the agreement for the settlement of this Wrongful Death claim, and the Petitioner, Rebecca Molina, fully understand the terms of the settlement.

The Court having been sufficiently advised in the premises, finds that the settlement is fair, reasonable and in the best interests of the parties and the minor statutory beneficiary, and that the Petition should therefore be granted.

It is therefore Ordered that the terms of the settlement outlined in paragraph 7 of the Petition and in the Release and Indemnification Agreement are approved, and that Nutmeg Insurance Company is authorized to pay the initial settlement funds of \$135,000.00 to Jesse Molina, as Personal Representative of the Estate of Frankie Sierra, Deceased, for the benefit of the minor, Ramon Sierra, and Rebecca Molina, as mother and next friend of

Ramon Sierra, a minor, and attorney 'Jerry Walz. Hartford Life Insurance Company is also authorized to make the future payments directly to Ramon Sierra as provided in the Petition and in the Release and Settlement Agreement. Jesse Molina is Ordered to pay all reasonable, necessary and related medical and/or funeral bills, liens, subrogation claims, costs and attorney fees, and to distribute the remaining settlement funds to the minor statutory beneficiary, Ramon Sierra, as provided by the New Mexico Wrongful Death Act.

In consideration of these current and future payments, The Town of Silver City, New Mexico, The Silver City Police Department, Paul Wesson, Paul Montes, Sam Rodriguez, Eloy Medina, Ray Muniz, Nutmeg Insurance Company and any of their officers, directors, employers, employees, principals, agents, attorneys, owners, shareholders, officials, family members and affiliated companies, are released from any further claims which have been or could have been asserted by Jesse Molina, the Estate of Frankie Sierra, Ramon Sierra, Rebecca Molina and any of their family members, heirs, assigns, statutory beneficiaries, estates, subrogees, insurers, or personal representatives arising from the incident of June 30, 1997, the death of Frankie Sierra, or the investigation, adjustment, settlement or litigation of this claim. It is further ordered that the parties shall bear their own costs and attorney's fees.


HONORABLE JOE H. GALVAN
U.S. MAGISTRATE JUDGE

Approval Recommended

Approved:

Mark Hlecan

Am
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**THE EXHIBITS ATTACHED TO THIS
PLEADING ARE TO VOLUMINOUS TO
SCAN. SAID EXHIBITS ARE ATTACHED
TO THE ORIGINAL PLEADING IN THE
CASE FILE WHICH IS LOCATED IN THE
RECORDS DEPARTMENT U. S. DISTRICT
COURT CLERK'S OFFICE.**